
COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: July 7, 2010

TO: Loudoun County Planning Commission

FROM: Barbara J. Zimmerman, AICP, Chief Planner

SUBJECT: WAIV 2010-0024, HISTORIC SELMA ESTATES, PHASE 2B (SBPL 2002-0046), Request to waive two points of public road access, Section 5-702(I) (4) (a) of the Revised 1993 Zoning Ordinance)

BACKGROUND:

A preliminary plat of subdivision (SBPL 2002-0046, Historic Selma Estates) was approved on June 7, 2006. The preliminary plat proposed the creation of two hamlets, Hamlet “J” and Hamlet “K”, consisting of a total of 50 hamlet lots, 8 Conservancy lots and open space parcels. Primary access to both of these hamlets is along Berkhamstead Place. Berkhamstead Place was originally established as part of a preliminary subdivision approval for Hamlet “I” on an adjacent parcel. When completed, all three hamlets would be connected to each other with two separate access points to Montessor Road (attachment 3).

The Historic Selma Estates project is approximately 934 acres and is being developed under the Hamlet provisions of the 1993 Revised Zoning Ordinance (RZO). The project contains several hamlets and may be developed up to a maximum of 277 lots. Additionally, the proposed development is subject to a Commission Permit application (CMPT-2001-0016) to expand a communal wastewater service district currently serving the Plains of Raspberry (Raspberry Falls). The Commission Permit was approved by the Planning Commission on February 27, 2002, and ratified by the Board of Supervisors on April 15, 2002.

The proposed project is located about 3.4 miles north of the Town of Leesburg, on the West side of Route 15/James Monroe Highway, on the North and East sides of Route 661/Montessor Road in the Catoctin District. The access from Saxon Shore Drive at Montessor Road is approximately .3 miles from Route 15 and the access point from Beningbrough Place at Montessor Road is approximately 1.5 miles from Route 15.

SPECIFICS OF WAIVER REQUEST:

Section 5-702(I)(4) of the RZO requires that roads serving two or more hamlets, with a combined traffic loading exceeding 250 vehicles per day, shall generally have two (2) access points to the existing rural road network (attachment 4). As currently approved, the three hamlets (Hamlets "I", "J", and "K") are all connected and maintain two (2) access points to Montessor Road. The applicant is requesting a waiver to eliminate a section of Berkhamstead Place in order to avoid existing and potential sink holes located along the original route. The proposed change would result in a cul de sac at Open Space Parcel I, limiting access for Hamlet "K" to one point on Montessor Road through Benningbrough Place and would create a cul de sac along the southern boundary of Conservancy Lot 36, resulting in Hamlets "J" and "I" having one access to Montessor Road via Berkhamstead Place through Saxon Shore Drive (attachment 3). This would result in two hamlets, (Hamlets "J" and "I") being served by a single point of access contrary to Section 5-702(I)(4) of the Zoning Ordinance.

Section 5-702(I)(4)(a) of the RZO provides that the Planning Commission may independently act to waive the requirement for two points access upon finding special topographic or other circumstances which preclude implementation, but may in this eventuality require alternative configuration of road design, such as a divided median.

REQUEST TO WAIVE TWO POINTS OF PUBLIC ROAD ACCESS:

On May 4, 2010, Paul W. Tiffin, P. E. of Christopher Consultants, on behalf of the applicant, Atlas VA I SPE L.L.C., submitted a request to the Planning Commission to waive the 2 points of access to the existing road network standards required by Section 5-702(I) (4) (a) of the Revised 1993 Zoning Ordinance. In his initial request letter, Mr. Tiffin indicates that the elimination of this portion of Berkhamstead Place will result in less disturbance of potential sink hole areas, reducing the potential future undermining of this street. In addition, Mr. Tiffin notes that a single point of access for each of the two hamlets in Phase 2B will not be a hazard to public safety, and that if approved, a maximum of 28 units will be served by a single point of access in Phase 2B.

On May 17, 2010 additional justification was submitted by Mr. Tiffin which addressed the criteria contained in Section 5-702 (I)(4)(b) of the RZO. Staff had requested that Mr. Tiffin submit any additional justification prior to staff review and noted that he may wish to look at this Section of the RZO for guidance. Although this may be helpful in evaluating the request, these criteria are specific to those circumstances in which private roads are being proposed in lieu of public streets.

In staff's review of the waiver request, the following criteria were used to evaluate the merits of granting a waiver of the requirement of providing two (2) points of public road access.

1. Whether there are special topographic or other circumstances which preclude the construction of the road to meet the two access point requirement of the RZO.

2. Whether granting the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).
3. Whether granting the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.
4. Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.

ANALYSIS OF REQUEST TO WAIVE 2 POINTS OF PUBLIC ROAD ACCESS

Staff has reviewed the applicant's request against the criteria referenced above (per the Revised 1993 Zoning Ordinance 5-702(I) (4) (a)). This analysis is as follows:

- 1. Whether there are special topographic or other circumstances which preclude the construction of the road to meet the two access point requirement of the RZO.**

Analysis: The applicant has indicated that the purpose of the waiver is to avoid existing and potential sinkholes, but has not provided any additional information regarding the sinkholes beyond the information that was shown on the preliminary plat and the preliminary soils report conducted by B & D staff dated August 16, 2002. The applicant's representative has indicated that no geotechnical studies have been conducted to date. There is also a lack of documentation regarding how much disturbance and impervious surface will be reduced as a result of the granting of the waiver. Additionally, there has been some disturbance of the area since grading for the existing 30' access easement and creation of a graveled road to serve existing LCSA water and sewer facilities have been completed. The environmental impact to the site has already occurred.

- 2. Whether granting the proposed waiver will adequately provide for access by public safety service (police, fire and rescue services).**

Analysis: The applicant has not provided any documentation which demonstrates how the granting of the waiver will provide for adequate access for public safety services. The proposed revision does not include any emergency access should one of the cul de sacs be blocked due to an accident or other emergency situation. While Fire and Rescue Planning staff has indicated that they are not opposed to the request, it is unclear from the applicant's justification as to how the access will be provided in an emergency.

In addition, access to Hamlet "J" is will via through Hamlet "I". Section 4.310.E of the Loudoun County Facilities Standards Manual (FSM) establishes a maximum cul de sac length within this Zoning District of 3500 feet. It appears that the proposal may exceed this requirement. The applicant needs to demonstrate that this maximum cul de sac length is not exceeded.

3. Whether granting the proposed waiver will protect to the greatest extent possible topographic or physical, natural, scenic, archaeological or historical features of significant importance.

Analysis: As previously noted, the applicant has not demonstrated that the elimination of a portion of the road and the addition of the cul de sac bulbs is less detrimental to the area. As noted in the referral from the Environmental Review Team (ERT), it may be better to limit the proposed stream crossing from Hamlet "I" and provide a cul de sac in this location.

4. Whether the granting of the proposed waiver will minimize the impact of traffic on the existing roadway network.

Analysis: Traffic from Phase 2B will use Montessor Road (Route 661) to access Route 15, as originally proposed with the two access points. It was anticipated that 280 vehicle trips per day would pass through the northern road, Beningbrough Place and that 560 vehicles per day would utilize Saxon Shore Drive. Regardless of whether there are two access points or one, the same number of vehicles will use Montessor Road. The granting of the waiver will not create any additional impact on the existing road network.

STAFF RECOMMENDATIONS

Atlas VA 1SPE L.L.C., has requested that the Planning Commission waive the requirement of two (2) points of public access for two or more hamlets that generate 250 trips a day or more. The Zoning Ordinance allows the Planning Commission to waive this requirement upon finding that special topographic or other circumstances preclude implementation.

In evaluating the waiver request staff has reviewed the applicant's justification letter, the Commission Permit (CMPT-2001-0016), the approved preliminary plat (approved on June 7, 2006), and a site evaluation and had determined that the applicant has not met the criteria contained within Section 5-702(I) (4) (a). Without additional technical studies, such as a geotechnical study and traffic analysis, the applicant has not provided sufficient documentation to show that the established criteria have been met. It is unclear from the information provided by the applicant that the granting of the waiver would reduce the amount of pavement or land disturbance. No evidence has been provided to show how the waiver would impact orderly and safe road development.

The Planning Commission must decide if the granting of the request to waive the requirements for the two points of public street access meets the criteria contained within Section 5-702(I) (4) (a) of the Zoning Ordinance. It is staff's position that the waiver application does not comply with the Zoning Ordinance and does not meet the criteria set out in Section 5-702.

DRAFT MOTIONS:

1. I move that the Planning Commission waive the requirement for two (2) points of public road access for SBPL 2002-0046, Historic Selma Estates, Phase 2B, based upon the Planning Commission finding that the proposed waiver meets the requirements of Section 5-702(I)(4)(a) of the Zoning Ordinance.
2. I move that the Planning Commission deny the request to waive the requirement for two (2) points of public road access for SBPL 2002-0046, Historic Selma Estates, Phase 2B, based upon the Planning Commission finding that the proposed waiver request does not meet the requirements of Section 5-702(I)(4)(a) of the Zoning Ordinance. Specifically, the applicant has not demonstrated that there a special topographic or other circumstances that preclude construction of the road to meet the two access point requirement.
3. I move an alternate motion.

ATTACHMENTS

1. Site Location Map
2. Copy of the applicant's waiver request
3. Overview of Historic Selma Hamlets I, J & K
4. Approved Commission Permit Plan
5. Commission Permit Findings
6. Community Planning Comments
7. ERT Comments
8. Fire and Rescue Comments
9. VDOT Comments
10. Zoning Comments
11. Office of Transportation Services Comments